

## EXHIBIT 10

*Federal prosecutor opens probe of Lilly; Marketing of drugs appears to be focus of inquiry in Pennsylvania The Indianapolis Star March 26, 2004 Friday Final Edition*

Copyright 2004 The Indianapolis Star  
All Rights Reserved  
The Indianapolis Star

March 26, 2004 Friday Final Edition

**SECTION:** BUSINESS; Pg. 1C

**LENGTH:** 407 words

**HEADLINE:** Federal prosecutor opens probe of Lilly;  
Marketing of drugs appears to be focus of inquiry in Pennsylvania

**BYLINE:** BY JEFF SWIATEK [JEFF.SWIATEK@INDYSTAR.COM](mailto:JEFF.SWIATEK@INDYSTAR.COM)

**BODY:**

A federal prosecutor in Pennsylvania is investigating Eli Lilly and Co.'s marketing of up to three of its best-known drugs.

The Indianapolis drugmaker said Thursday that it was notified of the investigation a few days ago.

The probe appears to include Zyprexa, its top-selling drug; previous best-seller Prozac; and the osteoporosis drug Evista, Lilly said. No subpoenas asking for information have been served yet, said Lilly spokeswoman Terra Fox.

A Department of Justice probe launched in 2002 was limited to Lilly's marketing of Evista.

Such drug marketing investigations are becoming more common across the industry. Some have resulted in judgments or fines ranging into the hundreds of millions of dollars.

"A few prosecutors have made a name through this," winning large judgments and prompting other prosecutors or government agencies to try their hand at cracking down on drug companies for promotional violations, said Bradley Thompson, a drug law expert and partner at the Indianapolis law firm of Baker & Daniels.

Some of the cases cite violations of drug marketing laws that were tightened two years ago by the federal Department of Health and Human Services. The new federal guidelines ban certain marketing practices that had been widely used, such as wining and dining doctors or flying them to paid vacations at resorts as a way of getting them to prescribe a company's products.

"The law was sort of laid down, and now the government is systematically enforcing it," Thompson said.

Drugmakers also have seen numerous drug pricing investigations and lawsuits in the past year.

Lilly wouldn't comment on details of the latest investigation. The U.S. Attorney for the Eastern District of Pennsylvania, Patrick Meehan, also would not comment on his office's Lilly investigation. Meehan previously was senior counsel to Sen. Arlen Specter, R-Pa.

"At some point they might disclose more about it. Until then, it's hard to handicap" the


impact of an investigation on **Lilly**, said Stephen A. O'Neil, a **drug** stock analyst for the JJB Hilliard, WL Lyons investment firm in Louisville, Ky.

**Lilly's marketing** of Evista has been the subject of a separate investigation, by the Department of Justice, for the past two years.

Earlier this month, the **Pennsylvania** attorney general sued 13 drugmakers for deceptive pricing and sales practices. **Lilly** wasn't one of them.

Call Star reporter Jeff Swiatek at (317) 444-6483.

**LOAD-DATE:** March 27, 2004

Source: [News & Business > Individual Publications > I > The Indianapolis Star \(Indiana\)](#) 

Terms: **Federal prosecutor opens probe of Lilly Marketing of drugs appears to be focus of inquiry in Pennsylvania** ([Edit Search](#) | [Suggest Terms for My Search](#) | [Feedback on Your Search](#))

View: Full

Date/Time: Tuesday, September 25, 2007 - 9:22 PM EDT



**LexisNexis®**

[About LexisNexis](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2007 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.